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U.S. DISTRICT COURT, SOUTHERN DIST.
NEW YORK

INDEX NO: 9253/07

FILE DATE:

ATTY: KARIM H. KAMAL
630 FIFTH AVENUE
STE 3163
NEW YORK, NY 10111

EPS No: 549119

Attorney File No:

Batch No:

STATE OF NEW YORK: COUNTY OF NEW YORK

GARY SILVER

Plaintiff(s)

- against -

THE CITY OF NEW YORK P.O. EUGENE MADISON (SHIELD # 03918)

Defendant(s)

STATE OF NEW YORK, COUNTY OF QUEENS: SS:

YOLER JEAN BAPTISTE BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 11/28/2007 at 5:00PM at 104 WASHINGTON STREET, NEW YORK, NY, deponent served the within SUMMONS IN A CIVIL ACTION on POLICE OFFICER EUGENE MADISON. At time of service the index number and date of filing were on the SUMMONS IN A CIVIL ACTION

SUITABLE AGE PERSON

Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person. By delivering a true copy of the thereof to and leaving with P.O. MURPHY, CO-WORKER a person of suitable age and discretion at 104 WASHINGTON STREET, NEW YORK, NY, the said premises being the defendants Place of Business within the State of New York.

MAILING First Class Mail

Deponent completed service under the last two sections by depositing 1 Copy of the SUMMONS IN A CIVIL ACTION to POLICE OFFICER EUGENE MADISON at 104 WASHINGTON STREET, NEW YORK, NY in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York on 11/29/2007 via First Class Mail. The mailing was made to the address bearing 'PERSONAL & CONFIDENTIAL' and not indicating 'LEGAL ACTION'. NP

A DESCRIPTION OF THE DEFENDANT OR OTHER PERSON SERVED ON BEHALF OF THE DEFENDANT IS AS FOLLOWS:

Approximate age: 35

Approximate weight: 200

Approximate height: 5'8"

Color of skin: WHITE

Color of hair: BLACK

Sex: M

Military Service ☒

Upon information and belief I aver that the defendant is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

NOV 30 2007

Sworn to before me on _____

LUIS A. CRESPO

Commissioner of Deeds

City of New York No. 4-4920

Certificate Filed in Queens County

Commission Expires Aug. 1, 2009

KEVIN T. MACTIERNAN

NOTARY PUBLIC-STATE OF NEW YORK

No. 01MA6108632

Qualified in Nassau County

Commission Expires 4/19/2008

ARTAK RAEVSKY

NOTARY PUBLIC-STATE OF NEW YORK

No. 01RA6123189

Qualified in Queens County

Commission Expires 2/28/2009

LORRE A. DUNNE

NOTARY PUBLIC-STATE OF NEW YORK

No. 01DU8016358

Qualified in Queens County

Commission Expires 11/16/2010

ELITE PROCESS SERVERS * 88-08 Little Neck Parkway, Floral Park, NY 11001